



# Texas Sues Obama Administration Over Transgender Bathroom Directive

Leah Jessen / May 25, 2016

Texas, joined by eight other states and officials from two other states, sued President Barack Obama's administration on Wednesday over the president's national school bathroom directive that threatens to take away federal school funding for districts that do not follow new transgender student guidance.

"This is an overreach of the federal government," Harrold Independent School District Superintendent David Thweatt told The Daily Signal in a phone call Wednesday afternoon.

Texas and the Harrold Independent School District in Texas were joined by the states of Alabama, Wisconsin, West Virginia, Tennessee, Oklahoma, Louisiana, Utah, and Georgia, as well as the Arizona Department of Education, Heber-Overgaard Unified School District in Arizona, and Maine Governor Paul LePage, a Republican, in the lawsuit filed in the Northern District of Texas, Wichita Falls Division U.S. district court.

"This federal money obviously is our money to start with," Thweatt said. "It's coming from income taxes, et cetera and [the Obama administration] is taking this and using our own money against us to try to blackmail us into some kind of social engineering and social experimentation in public schools."

## >>> 3 Things Texas Is Doing to 'Defy' Obama's Transgender Directive

On May 13, the Departments of Justice and Education issued a directive to schools around the nation, treating gender identity, "including a student's transgender status," the same as a student's biological sex for purposes of schools receiving federal funding under Title IX of the Education Amendments of 1972. The agencies wrote in a "Dear Colleague Letter on Transgender Students":

*As a condition of receiving federal funds, a school agrees that it will not exclude, separate, deny benefits to, or otherwise treat differently on the basis of sex any person in its educational programs or activities unless expressly authorized to do so under*

*Title IX or its implementing regulations. The departments treat a student's gender identity as the student's sex for purposes of Title IX and its implementing regulations.*

Superintendent Thweatt expressed concern to The Daily Signal that Obama administration's directive creates security and safety issues for the "privacy and dignity" of the approximately one hundred kindergarten through 12th grade students that attend and use restrooms at Harrold Independent School District.

"Not only do we have students in these restrooms, but we are also having visitors to our schools at programs and sporting events," Thweatt said. "If we open our restrooms, we could very well have grown men in our restrooms with young girls."



**Greg Abbott**  
@GregAbbott\_TX

Texas will sue to stop Obama's transgender directive to schools.  
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**Texas, 10 other states sue over Obama's transgender directive**  
Texas and 10 other states are suing the Obama administration over a new directive about transgender students in public schools. The [news4sanantonio.com](http://news4sanantonio.com)

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Deputy First Assistant Attorney General Brantley Starr, who works in Texas Attorney General Ken Paxton's office, told The Daily Signal in a phone call Wednesday afternoon that the federal government "commandeered" decisions traditionally made by local school officials. Starr said:

Case 3:18-cv-02935-X Document 40-2 Filed 09/19/19 Page 3 of 4 PageID 268  
*The key question here is about who makes this decision. Until the last few weeks when we got the new guidance from the federal government, these decisions had always been made at a local level with school officials taking appropriate steps to understand the facts about each particular situation with a general understanding about how bathrooms work.*

Starr says the Obama administration is “completely removing that policy debate from Congress and from these local schools.”

“The concerns we’ve always heard are related to safety,” Starr said. “That’s why it’s such an important debate that Congress has on a very regular basis. Almost every year since Congress passed Title IX, they’ve debated whether or not to include gender identity discrimination as part of Title IX. Every time they’ve considered it, they’ve heard the policy issues on both sides and rejected any attempts to include gender identity as part of Title IX.”

“It’s important for the school districts to still try to maintain that sense of control over decisions that hit closest to home when it’s in the best decision to make and accurate decision,” Starr added.

### **>>> Texas School District Adopts Transgender Guidelines Without Parental Approval**

“Through executive fiat, President Obama has threatened to cut off millions of dollars in federal aid to states that don’t allow men and boys into girls’ private restrooms and showers,” Texas Senator Ted Cruz, a Republican, said in a prepared statement Wednesday. Cruz added:

*In my years in law enforcement, I’ve handled far too many cases of child molesters, pedophiles, and people who abused little kids. The threats of predators are serious, and we should not facilitate allowing grown men or boys to be in bathrooms with little girls. I firmly stand by Texas—and other states, such as North Carolina—that have stood up to this politically correct nonsense, and I hope that the courts can be trusted to enforce federal law, rather than Obama’s partisan preferences.*

Starr says he “would not be surprised at all” if other school districts or states took legal action against the Obama administration’s transgender student directive or intervene in the current lawsuit.

Texas Attorney General Ken Paxton, a Republican, along with Oklahoma Attorney General Scott Pruitt and West Virginia Attorney General Patrick Morrisey, sent a letter on May 17 to the Obama administration expressing legal concern over the transgender student directive.

"The president of United States has no authority under the Constitution to change the law," Paxton told The Daily Signal in a phone call Wednesday afternoon.

Paxton says that his state will wait to hear if there is a response from the Obama administration and "hopefully they'll back off."

"If not, we'll go to the court and we'll put our case in front of a judge and we'll let the court decide," Paxton said.

The lawsuit is filed against the Education and Justice Departments, the United States Equal Employment Opportunity Commission, the Department of Labor, and officials at the respective agencies.

Paxton told The Daily Signal that he would encourage parents to get involved in this issue.

"Ultimately, the safety and well being of your children is at stake," Paxton said.